

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES LUSHER,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

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Civil Action No.: 5:23-cv-02275

Fed. R. Civ. P. 26(f) REPORT OF THE PARTIES

Basis of Jurisdiction: Federal Question – 28 U.S.C. § 1331 as Plaintiff brings this lawsuit under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, *et seq.*

Jury Trial Demanded

Identification of counsel and unrepresented parties. Set forth the names, addresses, telephone numbers and e-mail addresses of each unrepresented party and of each counsel and identify the parties whom such counsel represent:

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Settlement Authority: Counsel for Plaintiff has full authority to settle at the Rule 16 Conference. Counsel for Bank of America, N.A. (“BANA”) does not yet have settlement authority. However, the parties intend on exploring settlement at the earliest possible moment.

Date of Rule 26 Conference: Counsel for the Parties met and conferred on September 15, 2023.

Date of Rule 26(a) Disclosures: Counsel for BANA served initial disclosures pursuant to Rule 26(a) on September 1, 2023. Counsel for Plaintiff served initial disclosures pursuant to Rule 26(a) on September 4, 2023.

Plan for Discovery

1. **The Parties anticipate that discovery will be completed within 120 days.**
2. **What is the minimum amount of time necessary to complete discovery prior to an ADR session, should one be ordered or agreed to?**

90 days

3. **Have the parties discussed issues relating to claims of privilege or of protection as trial preparation material, as required by Rule 26(f)(3)(D)?**

The parties do not anticipate any issues regarding claims of privilege or of protection.

4. **Identify any other discovery issues which should be addressed at the Rule 16 Conference, including limitations on discovery, protective Orders needed, or other elements which should be included in a particularized discovery plan:**

Plaintiff does not anticipate any issues regarding discovery. BANA states that a Protective Order may be necessary, and that the Parties would discuss and attempt to agree to one prior to the submission for entry by the Court.

5. **If you contend the discovery period should exceed 90 days, please state reason:**

Plaintiff anticipates noticing depositions after a complete ESI production is provided by BANA. Therefore, Plaintiff contends that more than 90 days is required to account for any scheduling conflicts that may arise in planning depositions. BANA does not oppose a discovery period that exceeds 90 days.

Does either side anticipate the use of experts?

Not applicable. Currently, BANA does not anticipate the use of experts.

Does either side expect to file a case-dispositive motion?

Plaintiff does not anticipate filing any dispositive motions. BANA does not know if it will file a dispositive motion but reserves the right to do so.

Approximate date case should be trial-ready:

May 2024

What is the outcome of your discussions with your clients about proceeding before a Magistrate Judge for final disposition?

Plaintiff consents to proceeding before a Magistrate Judge. BANA does not consent to proceeding before a Magistrate Judge.

Is a settlement conference likely to be helpful?

Yes – Plaintiff anticipates making an initial settlement demand prior to the Rule 16 Conference scheduled on October 6, 2023. Currently, BANA does not oppose a settlement conference and believes one could be helpful, but would prefer participating in one after written discovery has been served and responded to.

Respectfully submitted,

J.P. WARD AND ASSOCIATES, LLC

/s/ Justin M. Bahorich

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